IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 8TH NOVEMBER 2006 / 17TH KARTHIKA 1928

Bail Appl..No. 6389 of 2006

CRIME NO.264/2004 OF VALIYATHURA POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/IST ACCUSED

SREEJITH MADHU ALIAS KANNAN,
S/O.MADHUSOODANAN,
GOPALAYAM, MUTTATHARA,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.DINESH

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6389/2006

DATED THIS THE 8TH DAY OF NOVEMBER, 2006

O R D E R

The petitioner is the first accused in crime No.264/2004 of Valiyathura Police Station, Thiruvananthapuram, for the offence punishable under Section 379 IPC read with Section 34 IPC. The second accused was arrested on 18.9.2004. Basing on the disclosure statement, the involvement of the petitioner herein, was brought out and hence, he is arrayed as the first accused. As he apprehends arrest, he is before this Court, for an order under Section 438 Cr.P.C.

2. According to the prosecution, the petitioner was absconding. The occurrence took place on 11.9.2004. The mini van, that had been committed theft of by the accused Nos. 1 and 2, had been abandoned in an isolated area and the same had been subsequently recovered. The prosecution submits that the interrogation of the petitioner is, therefore, necessary. The learned

counsel for the petitioner, however, submits that the investigation is complete and therefore, the interest of the petitioner may be protected.

3. After hearing both sides and considering the facts on record, I direct the petitioner to surrender before the Investigating Officer, who is investigating crime No.264/2004 of Valiyathura Police Station, on 16.11.2006 at 10.00 a.m.

4. The Investigating Officer shall interrogate the petitioner and thereafter, produce him before the Court below, according to the law.

5. On production of the petitioner, the first accused, the learned Magistrate shall allow him to be on bail, imposing such conditions, as are deemed necessary.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs